

Exhibit 5

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Reports Of Vote-By-Mail Ballots Undelivered, Tossed Aside By Postal Workers



A stack of vote-by-mail ballots tossed in a bin on the floor of an apartment building in Belleville, New Jersey on April 25, 2020.

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New Jersey has all-VBM elections in 32 municipalities on May 12

By David Wildstein, April 25 2020 8:56 pm

For about 730,000 New Jerseyans with local elections on May 12, the U.S. Postal Service is ground zero for assuring that voters are not disenfranchised in an election conducted entirely through vote-by-mail ballots.

"We rely on them," one election official told the New Jersey Globe on Saturday.

But some officials are grumbling that ballots are not being delivered, and in some cases, postal workers simply leaving stacks of ballots in apartment building lobbies rather than placing them in the mailboxes of voters.

Gov. **Phil Murphy** last month ordered 32 municipalities in 10 counties to hold all-VBM elections in support of his social distancing policies to slow the spread of COVID-19.

In Belleville, where 24,261 ballots were mailed earlier this week, there are photographs of two apartment buildings clearly showing the ballots were left in bins or on shelves.

Essex County mailed 288,407 ballots to voters in Belleville, Montclair, Nutley, Orange, Irvington, and Newark and postal tracking shows that except for about 85,000 ballots in Newark set to be delivered on Monday, all the ballots are out.

Those numbers are being disputed.

"I still haven't got my ballot, by the way," said Belleville Mayor Michael Melham, one of just a handful of New Jersey political consultants who fully understand how to conduct a sophisticated VBM operation.

Two voters in one of the apartment buildings where the VBM ballots were left askew told the Globe that they did not receive any mail-in ballot.

"There was no ballot in my mail and I check it every day," one of the tenants said.

Essex used first class mail to send out their ballots, and pre-sorted them for the mail carrier.

There is also criticism that some political mail has either been slow to reach voters, or not showing up at all.



A tweet from Belleville Mayor Michael Melham on April 24, 2020: "Yea. It was a brilliant idea to leave democracy in the hands of the inept U.S. Postal Service. Blue circle; the mailboxes at our one and only senior building. Red circle shows the political mail, still bundled, and piled in crates, with official ballots thrown on the shelf."

On Saturday postal officials disputed allegations that ballots and direct mail were not being delivered properly.

"After proper distribution of the mailings to every resident, the unaddressed extra pieces of these standard 'Local Postal Customer' mailings were left outside the mailboxes for community center pickups. As a follow-up, the extra pieces were redelivered with residents receiving multiple pieces of the same mailings," said George B. Flood, a spokesperson for the U.S. Post Service. "No official ballots or personal, First Class Mail items were included."

Later in the day, the postal service appeared to back off their claim.

"We received an additional photo of reportedly undelivered mail from another address in Belleville and are looking into the matter further," Flood said in an email to the Globe. "We will share the results of that administrative review as soon as the information becomes available."

The statement followed a complaint lodged by Rep. Albio Sires (D-West New York), who represents Belleville in Congress.

Globe. "He informed me that a comprehensive administrative review has been initiated. I will monitor this situation and hope for a timely review of this matter."

According to the 2010 U.S. Census data, 49% of Belleville residents live in rental housing, although not all of them are in apartment buildings.

That raises a question: are ballots for tenants being treated differently than people living in single family homes?

"They have to figure that out," said Phyllis Salowe-Kaye, the executive director of New Jersey Citizen Action and one of the state's leading advocates of tenants rights. "Tenants, small business owners and low-income residents are the people who are getting screwed. You can't take away their right to vote.

Salowe-Kaye, who supports vote-by-mail elections, said that ballots can't be put in a pile "like a Bed Bath & Beyond circular." She said that problems with the delivery of ballots could call the credibility of the election into question."

In an all-VBM election, the process for replacing ballots is complicated. Since there are no polling locations, provisional ballots will not exist.

With a little more than two weeks to go before Election Day, it would be up to individual voters to proactively contact a county clerk to request a replacement ballot. The onus would be on the voter to download the correct form and sent it to the clerk's office in time to receive a new ballot and mail it before 8 PM on May 12.

In the 2019 Linden school board race, a candidate who lost by just 243 votes filed a complaint alleging that about 570 of her direct mail pieces were returned to her doorstep three weeks later.

Earlier this year, the U.S. Postal Service said it would not guarantee the delivery of political mailings unless they are dropped at the post office at least seven to ten days before Election Day.

Opponents of all-VBM elections – something Murphy says remains on the table for the July 7 primary election – say that opportunities for voter fraud could accompany elections that increase the use of mail-in ballots.

"I think that mail-in voting is a terrible thing," said President Donald Trump during a coronavirus briefing earlier this month.

The New Jersey legislature has not yet acted on a proposal by State Sen. Samuel Thompson (R-Old Bridge) to increase penalties for voter fraud.

"To all the naysayers who continue to claim that voter fraud isn't happening in New Jersey, I implore you: open your eyes," Thompson said in 2018. "I hate to say I told you so, but clearly, the current penalties are not strong enough to stop slimy political operatives from stealing votes. Just look at what's happening in Hudson County. This is an affront to our democracy, and it must be stopped."

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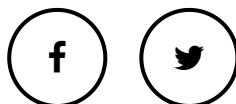


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